

# TITLE 327 WATER POLLUTION CONTROL DIVISION

## Rule Information Sheet

Wastewater Treatment Plants and Operators  
LSA Document #18-365

### Overview

Wastewater treatment facilities are designed to control water pollution from homes, businesses, and industries throughout the United States. These systems are intended to return treated wastewater back into waterways of the state. To be effective, these wastewater treatment facilities require skilled operators to run them. In Indiana, wastewater treatment plant apprentices and operators must have a certain amount of work experience and formal education, as well as pass a competency test to receive a license to operate a wastewater treatment facility. Operators must also attend continuing education courses to maintain their licenses. There are five classifications of municipal licenses and five classifications of industrial licenses based on the type, size, and complexity of wastewater treatment plants. The certification and renewal processes for wastewater treatment plant apprentices and operators are administered by IDEM.

This rulemaking addresses two state statutory requirements as well as serves a public need by improving the processes for certifying wastewater treatment plant operators. The two legislative actions were made in 2015 and 2018 and affect IC 13-18-11. Additionally, components of the rule are intended to streamline IDEM's administrative processes to better provide service to the regulated community and to be more flexible in approving applications from prospective certified operators. The existing rule at 327 IAC 5-22 will be repealed and replaced with 327 IAC 5-23. In the new rule at 327 IAC 5-23, sections have been reorganized, restructured, and updated. The proposed clarifications include definitions, plant classifications, qualifications and substitution of qualifications, the duties of an operator, what is considered a passing score for the certification examination, and the removal of specific allowable substitutions for education and experience replacing them with more general criteria for allowable substitutions in 327 IAC 5-23-10. A nonrule policy document providing guidance and further information on the education and experience substitutions will be presented to the board concurrently with this rule.

The changes in this rulemaking include: a provision that enables an independent third party to administer electronic examinations as well as charge its own fee for administering the examinations; an exemption for electronic applications from the 45-day advance application date deadline that is in place for paper examinations; an exemption for applicants that are deployed by U.S. armed forces from certain renewal application and examination deadlines; and a provision requiring applicants who fail the examination three consecutive times to attend and pass an IDEM-approved technical examination preparation course directly related to wastewater treatment prior to resubmitting an application or taking the examination again. New applications must include course completion documents; an incomplete application is grounds for denying a license. Operators who have had their certifications suspended or revoked are prohibited from performing laboratory analyses on samples used for compliance purposes. The effective period

for provisional certificates is limited to 90 days with a maximum extension not to exceed a total of 1 year. Wastewater treatment plants classified as A-SO, A or B, and certain groundwater remediation treatment systems have been reclassified to a lower level of classification to make it easier for groundwater remediation sites that currently struggle with the existing classification system. The reclassification allows many of the groundwater remediation treatment systems to obtain an A or A-SO classification while still assuring competent staffing and management.

### **Suggested Changes since Preliminary Adoption**

A clarification was made at 327 IAC 5-23-10(b) and 327 IAC 5-23-10(c) for consistency in the language used in both sections. Because the intention behind each section is similar, IDEM has determined that the language used to describe each requirement should be similar.

### **Affected Persons**

This rulemaking will affect approximately 3,679 individuals that hold wastewater treatment plant operator certifications, of which 2,117 are active certified wastewater operators and 1,562 are non-stormwater NPDES permit holders.

### **Reasons for the Rule**

This rulemaking addresses two state statutory requirements as well as serves a public need by improving the processes for certifying wastewater treatment plant operators. The two legislative actions were made in 2015 and 2018 and affect IC 13-18-11. These statutory changes allow electronic examination through a third-party administrator, add certification examination fees, require proof of compliance with continuing education requirements submitted with certificate renewal applications, update the renewal cycle for operator certificates from two years to three years, and add reciprocity for certified operators from other states or U.S. territories applying for certification in Indiana. Additionally, components of the rule are intended to streamline IDEM's administrative processes to better provide service to the regulated community and to be more flexible in approving applications from prospective certified operators.

### **Economic Impact of the Rule**

This rulemaking will have an insignificant fiscal impact. The change in certification renewals for the wastewater treatment operators from two years to three years may potentially save the regulated community money. Allowing a third party to administer the certification examinations will reduce IDEM's cost of administering the tests. The inclusion of individuals certified by United States territories in the certification examination requirements could have potential positive fiscal impacts that will benefit the regulated community by allowing reciprocity for background education and experience in United States territories.

### **Scheduled Board Action and Hearings**

First Public Hearing: June 14, 2023, at 1:30 p.m., at the Indiana Convention Center South, 10 North Senate Avenue, Conference Center Room A, Indianapolis, Indiana, 46204.

Second Public Hearing: August 9, 2023, at 1:30 p.m., at the Indiana Convention Center South, 10 North Senate Avenue, Conference Center Room A, Indianapolis, Indiana, 46204.

**IDEM Contact**

Additional information regarding this rulemaking action can be obtained from Krystal Hackney, Rules Development Branch, Office of Legal Counsel, at [KHackney1@idem.in.gov](mailto:KHackney1@idem.in.gov), (317) 232-3158, (800) 451-6027 (in Indiana).